

RATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20651

Docket Number MW-20719

Francis X. Quinn, Referee

(Brotherhood of **Maintenance** of Way **Employees**

PARTIES TO DISPUTE: (

(Norfolk and Western Railway Company

STATEMENT OF CLAIM: Claim of the System **Committee** of the Brotherhood  
that:

(1) The dismissal of Laborers G. W. Harper and L. **J.** Copley  
on August 20, 1973 was without just and sufficient cause and on the basis  
of unproven charges (System File **MW-PO-73-100**).

(2) Laborer L. **J.** Copley be reimbursed for all monetary loss'  
suffered from August 20, 1973 to February 25, 1974.

(3) Laborer G. W. Harper be restored to service, his record  
cleared, seniority and all other rights unimpaired and reimbursement be  
made for all time lost from date of dismissal to date of restoration to  
service, all in accordance with Rule 32 **(c)**.

OPINION OF BOARD: The rule is well established that an **employee** is  
required to carry out his assigned duties, even when  
he feels aggrieved. The corollary to this rule, couched as an exception,  
grants an **employee** the right to abstain from executing an assignment when  
confronted by an **immediate** danger to himself, property, or the public.  
However, in the instant dispute, there was no valid justification for  
the conduct of the claimants on the morning of August 20, 1973 in will-  
fully disregarding the orders of their **supervisors**. This act of insub-  
ordination was of such a nature as to justify the dismissal of these  
**employees** from service.

FINDINGS: The Third Division of the Adjustment Board, upon the whole  
record and all the evidence, finds and holds:

That the parties waived oral hearing;

That the Carrier and the Employees involved in this dispute  
are respectively Carrier and Employees within the meaning of the Railway  
Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction  
over the dispute involved herein; and

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That the Agreement was not violated.

A W A R D

Claim denied.

**NATIONAL RAILROAD ADJUSTMENT BOARD**  
By Order of Third Division

ATTEST: *A.W. Pauls*  
Executive Secretary

Dated at Chicago, ~~Illinois~~, this **21st** day of March 1975.